

CANADIAN AUTHORITIES WILL DEPORT THAW FROM POINT WHERE HE CROSSED AMERICAN BORDER

Under Canadian Law Fugitive May Not be Delivered Over to New York Authorities

GRAVE DOUBT AS TO POWER OF COURT TO GRANT EXTRADITION

Escape From Asylum Not Expressed in Treaty as Extraditable Offense. Legal Complications May Follow Deportation

Ottawa, August 19.—Harry K. Thaw will be deported from Canada under the present plans of the Canadian immigration department because within the meaning of the Canadian immigration act he is regarded as a "prohibited person." If custom is followed, he will be sent back to New Hampshire, from which state he entered the dominion.

It was late this afternoon when the department was officially notified of Thaw's apprehension, and immediately inspectors D. H. Reynolds and F. E. Williams were dispatched to Sherbrooke with instructions to watch the case and institute proceedings to the above mentioned end. The department this afternoon wired the chief of police at Sherbrooke to hold Thaw under the immigration act.

ACT PLAIN IN REGARD TO CASE

The act seems plain in regard to Thaw's case. There are certain classes who, under section 48, are not eligible to enter Canada, or who if they succeed in doing so are not permitted to remain here. The law states that idiots, imbeciles, insane people or erstwhile criminals shall not enter the country, and if they succeed in eluding immigration officers they shall be deported forthwith.

There is an exception, however, and it is interesting to note the negro pugilist Johnson, recently managed to pass through Canada under the clause which provides that one of the prohibited class who enters Canada carrying with him through transportation to another country may not have his progress impeded.

GRAVE DOUBT IS EXPRESSED

At the justice department grave doubt is expressed as to the power of the courts to grant extradition. In the treaty between Great Britain and the United States escape from an asylum is not mentioned as an extraditable offense. The department, however, unhesitatingly expressed the opinion that the case comes under the immigration act.

Questions of the legality of Thaw's arrest do not conflict with any action under the immigration act. Deportation proceedings are very simple. They merely consist in arresting the object of deportation and if there is sufficient evidence as to his identity and as to his disability to enter the country, he is escorted across the border to a point to miles in the interior. The custom is to remove him through the port and into the state from which he entered after the officers of the United States have been notified, under an agreement between the United States and Canada. In advance, it is likely Thaw will be sent back to New Hampshire.

Objection to deportation proceedings have rarely succeeded, as prohibited immigrants have not, under the act, the opportunity of resisting the inspectors of the immigration department.

Once Thaw is landed back over the border it will be a matter of domestic concern as to how he will be further dealt with.

SEATING OF CLAYTON MAY PRECIPITATE A LONG DRAWN FIGHT

Senators on Both Sides Firm in Convictions—Caucus Tonight to Discuss Controversy

BY C. E. STEWART

Washington, August 19.—(Special.) Tomorrow night the democratic members of the Senate will hold a caucus to determine when Mr. Clayton's credentials are to be presented to the Senate. It seems to be the general impression that when they are presented that it will precipitate a long drawn out fight the final results of which are more or less clouded in doubt.

Senator Bankhead will name the time for the caucus to be held and he is now waiting on the briefs and opinions of Governor O'Neal and his advisers to be printed as public documents, in order that each senator may have the opportunity to give them careful study.

Doubt Remains

Senator Bankhead in discussing the situation today, said: "It has developed that a large majority of the democrats of the Senate have reached the conclusion that the governor was within his legal and constitutional rights in making the appointment of Mr. Clayton, but there is some doubt on the part of a considerable minority of the democrats in the Senate as to the governor's authority and when you add these to the unanimous opinion of the republicans that the governor did not have the authority to make the appointment it becomes quite evident that the contest over the seating Mr. Clayton

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MAY RETURN THAW TO STATE FROM WHICH HE ENTERED CANADA

Albany, N. Y., August 19.—After a conference with Dutchess county authorities, Deputy Attorney General Parsons tonight announced that "if it were deemed necessary," Deputy Attorney General Franklin Kennedy would go to Canada in an effort to procure Thaw's return to this state.

It was pointed out at the attorney general's office that the Canadian authorities might interpret their deportation laws so that Thaw could only be returned to the state from which he entered Canada. In this event, it is said, Mr. Kennedy might endeavor to influence the Dominion officials to direct the fugitive's return direct to this state.

Mr. Kennedy represented the state in opposition to two bills Thaw's recent attempts to bribe the Dominion officials to direct the fugitive's return direct to this state.

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Sensational Flight From Matteawan Asylum Cut Short by Arrest at Canadian Village

IS ARRESTED BY DEPUTY SHERIFF AFTER LONG CHASE

Recognized as Harry Thaw While on Train, Fugitive is Allowed to Continue Journey Across Border—Capture is Made

Sherbrooke, Quebec, August 19.—Harry K. Thaw, cut short in his flight from the state hospital for the criminal insane at Matteawan, N. Y., by arrest today at the village of St. Remenengilde De Garford, just over the international line from New Hampshire, prepared in his cell in the county jail here tonight to fight against being sent back to the United States.

Thaw faces deportation on the ground that he is an undesirable alien and extradition on a warrant charging him with bribery. The warrant already issued in New York state for his arrest on a charge of conspiracy will not suffice to extradite him, in the opinion of local authorities. These authorities received word tonight that the district attorney of Dutchess county, in which Matteawan is located, was on his way here prepared to swear to a warrant charging Thaw with bribery—an extraditable offense—if necessary.

MERELY PASSING THROUGH CANADA

In his own defense Thaw claims he was merely passing through Canada on his way to Detroit when his passage was interrupted by his arrest. He exhibited what he claimed to be transportation to Detroit in support of his claim, and cited the case of Jack Johnson to bear out his contention that he cannot be sent back to the United States by Canadian authorities so long as he simply was passing through the country and intends to go beyond its borders.

District Attorney Conger of Dutchess county, New York, it is understood here, wants Thaw ordered deported and returned to the United States over that part of the international line touched by the state of New York. Thaw came into the Dominion from New Hampshire, however, and it is understood he will go back to New Hampshire.

The Canadian immigration department at Ottawa wired the chief of police here this afternoon to hold Thaw under the immigration act, indicating that steps would be taken to deport him. This theory was made almost a certainty by the information that the department had sent two inspectors to Sherbrooke with instructions to watch the case and institute proceedings to deport Thaw.

WILL BE GIVEN HEARING TODAY

At Coaticook, where he was lodged in the lockup immediately after his arrest, Thaw engaged a local lawyer, He arranged for Justice of the Peace Dupuis. The justice read to him an indictment charging him with having unlawfully escaped from Matteawan and without permitting a plea remanded him to jail at Sherbrooke for a hearing tomorrow.

Two men were arrested with Thaw but liberated later at Coaticook. They are believed to be confederates who aided Thaw in his escape. The two men refused to give their names or say anything about themselves. They followed Thaw here from Coaticook and remained in town overnight.

W. L. Shortell, the Coaticook lawyer retained by Thaw, denounced the hearing before Justice Dupuis as unfair and said he would apply tomorrow for a writ of habeas corpus for Thaw prior to the hearing before the extradition commissioner. Should the writ be refused Mr. Shortell said he would seek an appeal.

There is every indication that Thaw intends to wage a bitter fight against extradition, deportation or both.

SENDS OUT A WRITTEN STATEMENT

From his cell in the county jail tonight he sent out to the newspaper men a statement under this caption, typewritten in capital letters:

"No one has contended that for two years, nearly that, Thaw has been in the Tombs he has been insane. There is no evidence of delusion in the slightest degree on his part. Is it anything crazy to defend yourself against a man who calls you a piker and threatens to kill you before morning?"

The statement was a printed speech of District Attorney Jerome's speech—or purported to be such—to the jury at Thaw's second trial.

After Thaw had spent some hours in his cell and crumpled a bit at his poor quarters, he was removed to the hospital, where the accommodations are better. It was at his lawyer's suggestion that he consented to see reporters.

"Where did you intend to go after you left Matteawan?" he was asked.

"MAY HAVE BEEN GOING HOME"

"I may have been going home," he replied quickly and finally.

No amount of questioning could induce Thaw to modify his answer, he said the interviewers persuaded him to tell where he had been or what he had done since leaving Matteawan. Courteously but firmly he declined to answer all questions even remotely bearing on the topic.

The authorities believe, however, that Thaw had an all-day ride at breakneck speed after he left Matteawan. An automobile answering the description of his big touring car passed through White River Junction, Vt., Sunday night. The same car was seen yesterday morning at Woodsville, N. H. On each occasion it was occupied by four men. It is believed Thaw and his two companions left one man with the car near Lancaster, N. H., before boarding the train.

Of this, however, Thaw refused to talk. He was then asked:

"Do you care to say anything about threats you are said to have made that you would go after certain people once you were out of Matteawan?"

"I shall make no answer to the suggestion of that sort that has been printed," he replied. And that ended the interview.

The photographers came next. They

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Asylum From Which Thaw Escaped And Picture of Captured Fugitive



FRONT VIEW OF THE MATTEAWAN HOSPITAL

MRS. MAURY DIGGS FOLLOWS HUSBAND ON WITNESS STAND

With Wife's Evidence Both Defence and Government Rest Case

GOES TO JURY LATE THIS AFTERNOON

Diggs, Principal Witness Yesterday, Tells of Her Relations With Martha Warrington—Victim of Plots of Two Girls, He Says

San Francisco, August 19.—Mrs. Maury I. Diggs sat today in the court room where her husband stands, charged as a white slave, heard him testify that he had been unfaithful to her with Martha Warrington in their own apartments and 20 minutes later herself took the witness stand to testify in his behalf.

With her evidence the defense and the government rested, and the government began its arguments to the jury. By stipulation of Judge Van Fleet, each side has two hours and 20 minutes in which to sum up and the case will be in the jury's hands late tomorrow afternoon.

Diggs, Principal Witness Yesterday, Tells of Her Relations With Martha Warrington—Victim of Plots of Two Girls, He Says

Three witnesses held the stand today. Maury I. Diggs occupied the morning with his account of events that led to his flight from Reno with Martha Warrington, accompanied by Dora Cannetti and Lola Norris. They were arrested in Reno, brought back to Sacramento and the two men charged by the federal government with violation of the Mann act, which makes it a felony to transport women from one state to another for immoral purposes.

Cannetti will be prosecuted, the government announced today, when the jury has made its mind about Diggs, and regardless of whether it finds him innocent or guilty of disavowal.

The other two witnesses were Mrs. Cannetti and Mrs. Diggs. They were questioned briefly and told of the sleeplessness, erratic, nervous behavior and air of worry which characterized their husbands for the week preceding their flight.

Mrs. Diggs told how she had gone with her troubles to her father-in-law, Mr. Cannetti, to tell how she had threatened to interview Judge Hughes of the juvenile court, but inasmuch as she did not go until after the arrests in Reno, the judge held her testimony inadmissible.

Center of Interest

Diggs was the center of interest. Handsomely gowned women stood two hours without luncheon in the corridors of the federal building to hear his concluding testimony in the afternoon.

Diggs' lawyers did not attempt to have him deny that he got the transportation to Reno, paid for the Pullman berth and was intimate with Martha Warrington in Nevada. All the stress was laid on what he had intended to do. No attempt was made to assail the reputation of the girls before they met Diggs and Cannetti. Under the rulings of Judge Van Fleet, evidence of that nature was immaterial.

Diggs testified to the proceedings in his home during the absence of his wife, when Lola Norris, Cannetti and Martha Warrington visited there. His unfaithfulness to his wife at that time, he swore, was at the suggestion of Miss Warrington, who gloated over her triumph over the absent wife. He also testified that when first scandal assailed her, it was Miss Warrington who had suggested an elopement to Diggs.

"On March 3," testified defendant, "let her down easy," as he put it, to break off relations with her, she called him a "piker."

"We girls framed this," he testified she had told him, "and you fellows have got to come along. Believe me, you're not going away and leave me."

The direct contradiction to the testimony of Miss Warrington and Miss Norris, who have sworn they left home against their judgment and desire, and only when marriage had been promised them, Diggs named Martha who had insisted that they go. As early as January 31 he testified she had said to him: "You're a piker. Us girls framed this and you fellows have got to go along."

"On March 3," testified defendant, "let her down easy," as he put it, to break off relations with her, she called him a "piker."

(Continued on Page Fourteen)

TODAY'S AGE-HERALD

1—Thaw to be deported to point where he crossed American border.

2—Mrs. Diggs follows husband on stand. Huerta denies demanding recognition.

3—McBarnett not asked to oppose bill.

4—America's interest debt to Europe enormous.

5—Editorial comment.

6—Dr. Walton shot and killed.

7—Tracing now working for convention.

8—Norman Johnson to speak.

9—Birmingham men sell valuable property.

10—Society.

11—Sports.

12—Hodge shot and robbed by negro.

13—Suizer and Glynn continue to act as governors.

14—Democrats have cause for worry.

15—Negro boy admits firing horns.

16—Markets.

17—Harrison in charge of Florence normal.

NATIONS TO PROBE MASSACRES OF THE LATE BALKAN STRIFE

Committee From Six Great Powers to Make Impartial Inquiry

BARE EVIDENCE ON OFFICIAL REPORT

Carnegie Endowment Fund Initiates Movement—United States, England, France, Russia, Germany Take Part

Paris, August 19.—On the initiative of the division of intercourse and education of the Carnegie endowment fund for international peace, a committee representing the United States, Great Britain, France, Russia, Germany and Austria has been appointed to make an impartial inquiry into the alleged massacres in the Balkans during the recent war and the economic consequences arising from the war. The inquiry will not be affected by any political considerations.

The work of the committee will have as its basis evidence published by the various governments and by official news agencies and the testimony of American and European travelers who have visited the scene of events. It will endeavor to verify this mass of testimony and compare it with evidence the committee adduces and after a careful sifting the results of the committee's findings will be published in a general report which will be translated into many languages and widely disseminated.

Draw Out Moral Drama

The committee believes the work will meet a widely expressed desire by the people in drawing out the moral of the drama which was played for nearly a year before the whole world, and that it also will point out consequences that are feared. The work will not be exclusively retrospective, but will call attention to fresh dangers that are liable to arise and claim further victims in both the Balkans and Asiatic Turkey.

At a meeting held here today at the Carnegie bureau presided over by Baron D'Estournelles de Constant, the following persons were delegated to proceed Wednesday to the various Balkan states to prosecute the inquiry:

Dr. H. N. Brailford, representing Great Britain; Prof. Samuel Traindutton, Columbia university, representing the United States; Justin Godart, member of the Chamber of Deputies, representing France; Prof. Paul N. Miloff, leader of the constitutional democrats in the Russian Duma, representing Russia; Prof. Zdzienicki, of Berlin university, representing Germany and Professor Roddy, member of Parliament, representing Austria.

WRECK SURVIVORS SAIL FOR SEATTLE

Believed Number Killed in Steamship Disaster Will Total 32

Juneau, Alaska, August 19.—Thirty-seven survivors, passengers of the steamship State of California, sailed for Seattle on the steamer Northwestern today, leaving seven passengers in a hospital unable to travel. On the Northwestern also went ten confined bodies of passengers. It is believed the number who lost their lives in the foundered steamer will total 32.

All the surviving officers and other members of the crew appeared before Marine inspectors Whitney and Kell and gave testimony which was recorded. They were ordered to report to the marine inspectors upon arrival at Seattle.

Captain Cann of the wrecked steamer left for the scene of the disaster today to make soundings to ascertain if the mail and the purser's safe can be recovered.

STEAMER TURNS TURTLE

Keokuk, Ia., August 19.—The government steamer, if any, Boose turned turtle in the Mississippi river off the Keokuk shore during a wind and lightning storm late this afternoon. A crew of 14 were on board at the time, and they are believed to be trapped in the cabin below the water line.

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50,000 Business Men to Pull Missouri Out Of The Mud

Shoulder Picks and Shovels to Take Part in "Good Roads Day"—Mothers and Sweethearts Prepare Food for the "Boys"

Kansas City, August 19.—Fifty thousand business men and farmers of Western Missouri, it was estimated, furnished their picks and shovels tonight and prepared to shoulder them at daylight tomorrow to take part in Missouri's two good roads days, the slogan for which is "Pull Missouri out of the mud."